

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 21030 of 2007(C)

PETITIONER:

1. SMT. K.USHAKUMARI, AGED 37 YEARS,
W/O. RATHNAKARAN, KARAPPATH,
NEAR GOVERNMENT U.P. SCHOOL, PILICODE,
KASARAGOD DISTRICT.
2. SMT. K.SHEENA, AGED 27 YEARS,
W/O. P.JAYAPRAKASH, DEEPTHI, VALLIKOTH,
P.O. ALANUR, KASARGODE DISTRICT.

BY ADV. SRI.JAWAHAR JOSE

RESPONDENTS:

1. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), DEPARTMENT OF CO-OPERATIVES,
KASARGODE.
2. THE KASARGODE DISTRICT CO-OPERATIVE
BANK LTD., KASARGODE, REPRESENTED BY
ITS GENERAL MANAGER.
3. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY, DEPARTMENT OF CO-OPERATIVE,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

BY GOVT. PLEADER SMT.ANU SIVARAMAN
ADV. SRI.V.M.KURIAN, SC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1 TRUE COPY OF NOTIFICATION PUBLISHED BY R2 IN GADHIKA
DAILY DTD. 13-4-06
- EXT.P2 TRUE COPY ORDER OF APPOINTMENT DTD. 20-05-06 ISSUED BY
RESPONDENTS TO PETITIONERS.
- EXT.P3 TRUE COPY OF ORDER OF APPOINTMENT DTD. 29-6-07 ISSUED
BY RESPONDENTS.
- EXT.P4 TRUE COPY OF LETTER DTD. 4-7-07 ISSUED BY R2
- EXT.P5 TRUE COPY OF ORDER DTD. 03-07-07 ISSUED BY R1

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.21030 OF 2007

Dated this the 13th day of July, 2007

JUDGMENT

Petitioners challenge Ext.P5. Ext.P5 is an order passed by the Joint Registrar staying appointments from the rank list prepared for appointment to the post of Part-time sweeper. Petitioners are persons included in the rank list. According to the petitioners the appointment stayed for three reasons. Firstly there were complaints from three persons namely V.Ranjith, C.K.Sasi and S.Sunil. Secondly, reservation has not been given to scheduled caste/scheduled tribe candidates. Lastly, a relative of a former director was issued with appointment order. According to the petitioners, all the three grounds are not sustainable.

2. I heard learned Government Pleader and the learned counsel appearing for the respondent-Society. Government Pleader points out that Ext.P5 is only an interim order and made pending enquiry. Of course, learned counsel for the petitioners and also the learned counsel for the Society points out that six

persons have been already appointed out of the 8 persons in the rank list and there is no reason in keeping in abeyance the appointment of the petitioners from the very same rank list.

Having heard counsel for the parties, I feel that there should be a direction to expedite the enquiry pursuant to the complaint which has resulted in Ext.P5 order being passed. Accordingly, the writ petition is disposed of directing the first respondent to take up the complaints referred to Ext.P5 and take a decision in the complaints in accordance with law, after affording an opportunity of hearing to the complainants mentioned in Ext.P5, petitioners in the writ petition, the second respondent- Bank and any other affected persons, within a period of one month from the date of receipt of a copy of this judgment. First respondent shall serve a copy of the complaints referred to in Ext.P5 within one week from the date of receipt of a copy of this judgment and thereafter alone proceed to afford an opportunity of hearing to the petitioners as aforesaid and decide the matter.

(K.M.JOSEPH, JUDGE)

SV.

